

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OSAIDA GONZALEZ ALEAGA,

Plaintiff

v.

MOHINDER SINGH, et al.,

Defendants

Case No.: 2:25-cv-01210-APG-BNW

**Order Remanding Case for Lack of
Subject Matter Jurisdiction**

The defendants removed his case from state court based on diversity jurisdiction. ECF No. 1. Upon reviewing the complaint, it was not clear whether Yosvani Fernandez Ramirez was meant to be a named defendant and, if so, whether Ramirez's presence in the suit destroyed complete diversity. See ECF No. 5. I therefore directed plaintiff Osaída Aleaga to either amend the complaint to identify Ramirez as a defendant in the case caption and allege his citizenship for diversity purposes, or clarify that Ramirez was not a named defendant. *Id.* Aleaga thereafter filed an amended complaint that adds Ramirez to the caption and alleges that Ramirez is a Nevada resident. ECF No. 7 at 2. The amended complaint alleges that Aleaga is also a Nevada resident. *Id.* Because it appeared that complete diversity is lacking, I ordered the removing defendants to show cause why I should not remand this case to state court. ECF No. 15.

The defendants have responded by arguing that Ramirez has not been served and has not appeared in the case. ECF No. 16. That may be relevant to the forum defendant rule. *See* 28 U.S.C. § 1441(b) ("A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought."). But it has no bearing on whether complete diversity exists to support diversity subject matter

1 jurisdiction. Because there is not complete diversity, this court cannot exercise jurisdiction over
2 this case, so I remand it.

3 I THEREFORE ORDER that this case is remanded to the state court from which it was
4 removed for all further proceedings. The clerk of court is instructed to close this case.

5 DATED this 5th day of August, 2025.

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8 ANDREW P. GORDON
9 CHIEF UNITED STATES DISTRICT JUDGE
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